IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 2271 of 2007(U)

AGAINST THE ORDER DATED 14/12/2006 IN I.A.NO.9955/2006 IN O.S.NO.1558/2006 AND OS.1542/2006 of I ADDL.M.C.,TRIVANDRUM

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PETITIONER:

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1. SHREE VIDYADHIRAJA VIDYA SAMAJAM,
EAST ALUMMOOD BUNGLOW,
CHETTIKULANGARA,
THIRUVANANTHAPURAM-1
REPRESENTED BY ITS SECRETARY, DR.AJAY KUMAR,
SHREE VIDYADHIRAJA VIDYA SAMAJAMJ

2. DR.R.AJAY KUMAR,
S/O.R.RAMACHANDRAN NAIR,
MAIDAN VILLA, HINDU MISSION ROAD,
THIRUVANANTHAPURAM-1

BY ADV. SRI.SANTHAN V.NAIR
SRI.RAJ MOHAN R.PILLAI

RESPONDENTS:

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1. DR.K.RAJEEV, SNRA-903, SANKAR NAGAR,
NEERAMANKARA, THIRUVANANTHAPURAM

2. DR.G.SOMASEKHARAN PILLAI, RAJA NILAYAM,
TC 124/1031, VOLTAS LANE, VAZHUTHACAUD,
THIRUVANANTHAPURAM

3. P.R.RADHAKRISHNAN NAIR, SREEPADMAM,
PULLAYIKONAM LANE-2, SASTHAMANGALAM,
SOUPARNIKA, ALUMMOOD, NEYYATTINKARA

4. P.N.KRISHNA PILLAI, S/O.LATE NARAYANA PILLAI,
SOUPARNIKA, ALUMMOOD, NEYYATTINKARA

5. K.P.KRISHNAN NAIR, S/O.LATE PARAMESWARAN PILLAI,
SREE VIHAR, THIRUMALA, THIRUVANANTHAPURAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR, J.

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W.P.(C)No.2271 OF 2007

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DATED THIS THE 19th DAY OF JANUARY, 2007

JUDGMENT

Petitioners are plaintiffs in O.S.1542 of 2006 on the file of Munsiff Court, Thiruvananthapuram. Petitioners are challenging Exts.P8 and P9 orders passed by learned Munsiff in I.A.Nos.9938 of 2006 and 9955 of 2006 in O.S.1558 of 2006. As per the orders, petitioners therein were impleaded as defendants 4 and 5, on their application, stating that no objections were filed to their applications. The case of the petitioners is that they had filed objections before the court and the objections were received in the office but were not considered and therefore Exts.P8 and P9 orders as if no objection was filed, are to be set aside.

2. On hearing learned counsel appearing for the petitioners, I do not find any infirmity in Exts.P8 and P9 orders warranting interference in exercise of the extra ordinary jurisdiction of this court under Article 227 of Constitution of India.

3. If the case of petitioners is that in spite of

the objection filed, without hearing them or considering the objections filed, the orders were passed, remedy of petitioners is to approach the Munsiff to review orders on that ground. It is more so when petitioners have no case in the petition that when the petitioners were heard, it was represented that objections were filed in office or that they prayed time for hearing. In such circumstances, the order cannot be interfered on that ground. Even if defendants 4 and 5 are impleaded as has been done by the Munsiff under Exts.P8 and P9 orders, petitioners are entitled to raise all contentions including their right.

Writ petition is dismissed.

M.SASIDHARAN NAMBIAR, JUDGE

lgk/-